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10/669,075	09/23/2003	Stefan Aschoff	P03,0378	2710

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EXAMINER

PARK, ILWOO

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/669,075
Filing Date: September 23, 2003
Appellant(s): ASCHOFF ET AL.

MAILED

FEB 13 2007

Technology Center 2100

Mark Bergner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/16/2006 appealing from the Office action mailed 1/17/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0283263

EATON et al

12-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaton et al. [US 2005/0283263 A1].

As to claims 1 and 8, Eaton et al teach an interface device [device 106 in fig. 1] for audiological devices [e.g., hearing aid system 102 in fig. 1] between a plurality audiological of applications [paragraph 0010] and at least one audiological data administration system [e.g., server in paragraph 0040], comprising:

an audiological application access device [paragraph 0034] to which the plurality of audiological applications for controlling hardware components can be connected for uniform data exchange,

an audiological data administration connection device [paragraph 0037] to which at least one audiological data administration system can be connected, and

a converter device [paragraph 0041], that closes a connection between the audiological application access device and the data administration connection device, the converter device being configured to perform at least one of: a) converting [aural responses formatted to form an audiogram before sending to the server in paragraph 0053] respectively specific audiological application data acquired by the audiological application access device in a predeterminable databank format for the plurality of audiological applications [test and measuring application in paragraphs 0010, 0045,

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0053 and a programming application in paragraphs 0010, 0043, 0059], and b) converting databank audiological data acquired from the audiological data administration connection device into one or more respectively specific application formats for the plurality of audiological applications.

As to claims 2 and 9, Eaton et al teach a class library that is accessible with each of the plurality of audiological applications [paragraph 0048].

As to claim 3, Eaton et al teach a state administration device for the plurality of audiological applications, such that the plurality of audiological applications have common access to predeterminable data [paragraphs 0040, 0055].

As to claims 4 and 11, Eaton et al teach a databank in which states and data of the plurality of audiological applications can be stored for common access via the state administration device [paragraphs 0048].

As to claims 5 and 12, Eaton et al teach the state administration device is configured to automatically recognize which audiological data administration system or systems are connected to the device [paragraph 0047].

As to claims 6 and 13, Eaton et al teach a data keeping device to keep data for a plurality of the audiological applications [application downloaded or responses recorded/collected in paragraphs 0051, 0053, 0055].

As to claims 7 and 14, Eaton et al teach the data device comprises a volatile storage [e.g., WAP removed in paragraph 0055].

As to claim 10, Eaton et al teach providing the plurality audiological applications with mutual access to the predeterminable data [e.g., aural responses used for profiling and for deriving audiological parameters in paragraphs 0046, 0053].

As to claim 15, Eaton et al teach acquiring audiological data by measuring [measuring the response in paragraph 0045] a patient's hearing with an audiometer, programming [paragraph 0010] a hearing device by a programming device utilizing the acquired audiological device from the audiometer, and checking [e.g., diagnostic and adjusting in paragraph 0031] the hearing device functionality according to a predefined criteria with a test box, wherein the audiological applications and audiological data are related to the hearing device, the audiometer, the programming device, and the test box.

As to claim 16, Eaton et al teach a system for programming and testing [diagnostics and adjustment to the hearing aid system in paragraph 0031] hearing devices comprising:

an audiometer that acquires [measuring and obtaining aural response in paragraphs 0010, 0045] audiological data from a patient;

a hearing device designed to be worn [fig. 1] by the patient;

a programming device for programming [paragraph 0010] the hearing device utilizing the audiological data from the patient;

a test box that checks [e.g., diagnostic and adjusting in paragraph 0031] the hearing device functionality according to a predetermined criteria; and

an interface device for audiological devices, the audiological devices comprising the audiometer, the hearing device, the programming device and the test box, between a plurality of audiological applications [paragraph 0010] and at least one audiological data administration system [e.g., server in paragraph 0040], comprising:

an audiological application access device [paragraph 0034] to which the plurality of audiological applications for controlling hardware components can be connected for uniform data exchange,

an audiological data administration connection device [paragraph 0037] to which at least one audiological data administration system can be connected, and

a converter device [paragraph 0041], that closes a connection between the audiological application access device and the data administration connection device, the converter device being configured to perform at least one of: a) converting [aural responses formatted to form an audiogram before sending to the server in paragraph 0053] respectively specific audiological application data acquired by the audiological application access device in a predeterminable databank format for the plurality of audiological applications [test and measuring application in paragraphs 0010, 0045, 0053 and a programming application in paragraphs 0010, 0043, 0059], and b) converting databank audiological data acquired from the audiological data administration connection device into one or more respectively specific application formats for the plurality of audiological applications.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellants and addresses replies individually.

The Appellants allege in substance that Eaton teaches interaction with different applications only in different embodiments: in one embodiment, Eaton teaches a conversion including compressing and decompressing digital audio signals; in different embodiment, Eaton teaches a conversion including converting into one predetermined audiogram for one audiological application while claim requires the conversion for a plurality of audiological applications and Eaton's paragraphs [0034] and [0037] discussing a plurality of protocols cannot be read on the plurality of audiological applications (Appeal Brief: page 8, lines 7-23; page 9, lines 1-11; page 9, lines 19-24).

The Examiner respectfully disagrees for at least one of the following reasons:

Eaton teaches a plurality of audiological applications from a data administration system [server 116] distributed/downloaded and dynamically plug into an interface device [device 106] for adapting to interact [paragraphs 0040, 0041] with audiological devices [hearing aid system102]: *inter alia*, a test and measuring application [paragraphs 0010, 0045, 0053] and a programming application [paragraphs 0010, 0043, 0059] using a patient identification or aural response.

Specifically, Eaton teaches converting respectively specific application data [e.g., "aural response"] from the audiological devices in a predeterminable databank format ["formatted to form an audiogram" in paragraph 0053; see datastructure of an aural response in paragraphs 0048, 0049 and fig. 3] before upload to the data administration

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system for those plurality of applications. Eaton further teaches another converting [protocol conversion] respectively specific application data [e.g., "aural response"] from the audiological devices in a predeterminable databank format [Bluetooth or IrDA protocol format from GPRS or CDPD in paragraphs 0068, 0069] for those plurality of applications.

Thus, Eaton clearly teaches converting respectively specific audiological application data acquired by the audiological application access device in a predeterminable databank format for the plurality of audiological applications.

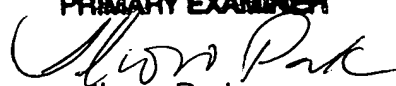
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

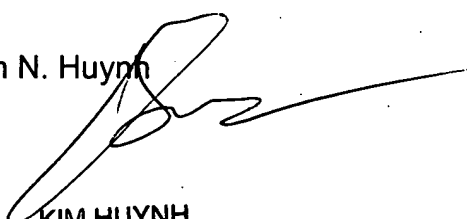
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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

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PRIMARY EXAMINER

Ilwoo Park

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